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BEVERLY FRAME  
CLERK OF SUPERIOR COURT  
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

REVISION OF CALENDAR ASSIGNMENTS  
AND ASSIGNMENT OF CASES OF  
SUPERIOR COURT,  
YUMA COUNTY, ARIZONA

Administrative Order

NO. 2005-07

This Administrative Order supersedes and takes the place of Administrative Order No. 2004-10 filed November 29, 2004, Administrative Order No. 2005-02 filed February 8, 2005, and Administrative Order 2005-05 filed April 4, 2005.

The Superior Court in Yuma County wants to maintain its effective caseflow management system. Case disposition statistics and best practices dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, reciprocal, juvenile, probate, mental health, adoption, and other proceedings among the different Divisions of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED that effective September 1, 2005, and until further order of the Presiding Judge, the following assignments of Superior Court Judges are made for the Judges of the Yuma County Superior Court:

- (1) Tom C. Cole is assigned to Division One;
- (2) Kirby Kongable is assigned to Division Two;

- (3) Richard W. Donato is assigned to Division Three;
- (4) Andrew W. Gould is assigned to Division Four;
- (5) John N. Nelson is assigned to Division Five;
- (6) Denise D. Gaumont is assigned to Division Six;
- (7) John Paul Plante is assigned to Division Seven; and
- (8) Kathryn Stocking-Tate is assigned to Division Eight.

IT IS FURTHER ORDERED effective September 1, 2005:

- (1) All cases currently assigned to the Honorable Thomas A. Thode, Division Three, shall continue to be assigned to the Honorable Richard W. Donato, Division Three; and
- (2) All cases currently assigned to the Honorable John N. Nelson, Division Two, shall continue to be assigned to the Honorable Kirby Kongable, Division Two; and
- (3) All cases currently assigned to the Honorable Kirby Kongable, Division Five, shall continue to be assigned to the Honorable John N. Nelson, Division Five.

Effective May 7, 2001, all felony criminal complaints filed in justice court were ordered to be assigned to a Superior Court Division on a rotation basis in justice court as set forth in paragraphs numbered (1) and (2) below.

IT IS FURTHER ORDERED that these felony criminal complaints shall continue to be assigned as follows:

- (1) The first felony complaint filed on Monday, May 7, 2001 shall be assigned to Division One. Thereafter, each felony complaint filed shall be assigned to the next sequentially numbered Division, e.g., Division Two, then Division Three, then Division Four, and starting over again with Division One.
- (2) Fugitive felony complaints shall not be assigned to a Superior Court Division.

In April, 2002, the Yuma County Attorney's Office instituted a policy of filing one complaint per defendant in Justice Court which resulted in co-defendants being assigned to separate Superior Court Divisions. In order for co-defendant cases to be assigned to the same Superior Court Division:

IT IS ORDERED that effective September 1, 2005, and until further order of the Presiding Judge, all felony criminal complaints filed in Justice Court shall continue to be

1 assigned to a Superior Court Division as set forth above, and that co-defendant cases shall  
2 continue to be assigned to the same Superior Court Division. In order to facilitate this procedure,  
3 the Yuma County Attorney's Office shall continue to file a Notice of Filing Co-Defendant  
4 Complaints when filing co-defendant cases in Justice Court.

5 IT IS FURTHER ORDERED that if a criminal case originates in a manner other  
6 than by way of a felony complaint being filed in Justice Court, such as by way of a Direct  
7 Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall  
8 continue to assign those cases as follows:

- 9 (1) All numbered cases, the last two digits of which number when  
10 divided by four (4) result in a remainder of one (1), to Division One;
- 11 (2) All numbered cases, the last two digits of which number when  
12 divided by four (4) result in a remainder of two (2), to Division Two;
- 13 (3) All numbered cases, the last two digits of which number when  
14 divided by four (4) result in a remainder of three (3), to Division Three;
- 15 (4) All numbered cases, the last two digits of which number when  
16 divided by four (4) result in a remainder of zero (0), to Division Four.

17 IT IS FURTHER ORDERED that all pleadings, minutes entries, notices and orders filed  
18 by an interested party in a Superior Court case shall reflect, immediately beneath the case  
19 number, the Division number to which the case has been assigned.

20 IT IS FURTHER ORDERED that all pending criminal cases with warrants outstanding  
21 that are currently assigned to a judge other than those designated in Divisions One through Four  
22 above, shall be assigned to divisions according to the numbering system set forth above and  
23 made a part of this administrative order for criminal cases.

24 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally  
25 sentenced by a judge who is active and sitting as designated in Divisions One through Eight  
26 above, shall be assigned to that judge. Such assignment shall include, but not be limited to,  
27 petitions for violation of probation, petitions for restoration of civil rights, and petitions to  
28 modify conditions of probation.

IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally  
sentenced by a judge who is active and sitting as designated in Divisions One through Eight  
above, shall be assigned to that judge for all petition for post-conviction relief proceedings.

1 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally  
2 sentenced by a judge other than those designated in Divisions One through Eight above,  
3 shall be assigned to divisions according to the numbering system set forth above and made a part  
4 of this administrative order for criminal cases. Such assignment shall include, but not be limited  
5 to, petitions for violation of probation, petitions for restoration of civil rights, petitions to modify  
6 conditions of probation, and petitions for post-conviction relief.

7 IT IS ORDERED that effective with cases filed beginning September 1, 2005, and until  
8 further order of the Presiding Judge, all civil cases shall continue to be assigned as follows:

- 9 (1) All numbered cases, the last two digits of which number when divided by four (4)  
10 result in a remainder of one (1), to Division One;
- 11 (2) All numbered cases, the last two digits of which number when divided by four (4)  
12 result in a remainder of two (2), to Division Two;
- 13 (3) All numbered cases, the last two digits of which number when divided by four (4)  
14 result in a remainder of three (3), to Division Three;
- 15 (4) All numbered cases, the last two digits of which number when divided by four (4)  
16 result in a remainder of zero (0), to Division Four.

17 IT IS ORDERED that effective with cases filed beginning September 1, 2005, and until  
18 further order of the Presiding Judge:

- 19 (1) All mental health cases shall continue to be assigned to Division Three; and
- 20 (2) That any mental health cases filed prior to September 1, 2005, that come before  
21 the court for hearing or review after September 1, 2005, shall continue to be  
22 automatically reassigned to Division Three.

23 IT IS ORDERED that effective with cases filed beginning September 1, 2005, and until  
24 further order of the Presiding Judge:

- 25 (1) All civil cases where a petition has been filed seeking an order of the court to  
26 detain a person as a Sexually Violent Person pursuant to the Sexually Violent  
27 Persons Act, A.R.S. §§36-3701 through 36-3716, shall continue to be assigned to  
28 Division Three.
- (2) Any civil cases where a petition has been filed prior to September 1, 2005,  
seeking an order of the court to detain a person as a Sexually Violent  
Person pursuant to the Sexually Violent Persons Act, A.R.S. §§36-3701 through  
36-3716, that come before the court for hearing or review after September 1,  
2005, shall continue to be automatically assigned to Division Three.

IT IS ORDERED that effective with cases filed beginning September 1, 2005, and until  
further order of the Presiding Judge:

- (1) All adoption cases shall continue to be assigned to Division Five; and
- (2) That any adoption cases filed prior to September 1, 2005, that come before the court for hearing or review after September 1, 2005, shall be automatically reassigned to Division Five.

IT IS ORDERED that effective with cases filed beginning August 15, 2003, and until further order of the Presiding Judge:

- (1) All probate cases shall continue to be assigned on a rotation basis to Division Two and Division Three with all even numbered cases being assigned to Division Two, and all odd numbered cases being assigned to Division Three; and
- (2) Any probate cases filed prior to August 15, 2003, shall remain assigned to Division Seven.

IT IS ORDERED that effective with cases filed beginning August 15, 2003, and until further order of the Presiding Judge:

- (1) All guardianship and conservator cases shall continue to be assigned on a rotation basis to Division Two and Division Three, with all even numbered cases being assigned to Division Two, and all odd numbered cases being assigned to Division Three; and
- (2) Any guardianship and conservator cases filed prior to August 15, 2003, shall remain assigned to Division Seven.

IT IS ORDERED that all cases in the Juvenile Division of the Yuma Superior Court shall continue to be assigned to Division Five.

IT IS ORDERED that all cases of the Adult Drug Court shall continue to be assigned to Division One and Division Four.

IT IS ORDERED effective with cases filed beginning September 1, 2005, and until further order of the Presiding Judge, that all domestic relations cases shall be assigned on a rotation basis to Division Six and Division Seven, with all even numbered cases being assigned to Division Six and all odd numbered cases being assigned to Division Seven, except as follows:

- (1) that effective with cases filed beginning September 1, 2005, and until further order of the Presiding Judge, all Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall continue to be assigned to Division Eight.
- (2) that any Title IV(D) child support actions initiated by the Arizona Attorney General's Office filed prior to September 1, 2005, that come before the court for hearing on September 1, 2005, and after, shall continue to be assigned to Division Eight.

1 (3) that any Title IV(D) cases assigned under a) & b) above, that come before the  
2 court for hearing on some issue other than child support, shall continue to be  
3 reassigned to Division Six and Division Seven for those contested issues. These  
hearings would include, but not be limited to, a visitation issue, a custody issue, or  
a change of custody issue.

4 IT IS ORDERED beginning September 1, 2005, Division Eight shall continue to hear  
5 cases for the Juvenile Division of the Superior Court all day on Mondays, all day on Tuesdays,  
6 and on Wednesday mornings; further, that she shall continue to hear cases for the Superior Court  
7 on Wednesday afternoons, all day on Thursdays and all day on Fridays.

8 IT IS ORDERED beginning September 1, 2005, Division Eight shall hear an order of  
9 protection calendar on Wednesday afternoons, on Friday mornings, and on Friday afternoons.  
10 Division Eight will set as many hearings as time allows. Any hearings that Division Eight is not  
11 able to handle due to time constraints will be set before the division to whom they are assigned.

12 IT IS ORDERED beginning September 1, 2005, and until further order of this court,  
13 all domestic relations default actions shall continue to be heard by Division Six on Wednesday  
14 afternoons, and that calendar shall commence at 1:30 p.m.

15 IT IS ORDERED beginning September 1, 2005, and until further order of this court, all  
16 Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall  
17 continue to be heard by Division Eight on Thursdays.

18 IT IS ORDERED beginning September 1, 2005, and until further order of this court, all  
19 Arraignments shall continue to be heard by Division Six on Fridays at 8:30 a.m.

20 IT IS ORDERED beginning September 1, 2005, and until further order of this court, all  
21 Motions to Review Conditions of Release shall continue to be heard by Division Six on Fridays  
22 at 9:00 a.m.

23 IT IS ORDERED beginning September 1, 2005, and until further order of the presiding  
24 judge, the administrative duties and responsibilities of calling and impaneling grand juries by the  
25 Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in  
26 addition to the presiding judge, be assigned to Division Six. Division Six shall assume the  
27 primary assignment of all matters pertaining to a grand jury requiring the attention of a Superior  
28 Court judge in Yuma County.

Notwithstanding the foregoing judicial assignments, during the absence or

1 unavailability of any Superior Court Judge, another Superior Court Judge may be substituted in  
2 his or her place.


3 IT IS ORDERED beginning September 1, 2005, and until further order of this court, the  
4 criminal calendars shall continue to be held as follows:

5 (1) Divisions One and Four on Tuesday and Thursday mornings beginning at 8:30  
6 a.m.;

7 (2) Divisions Two and Three on Wednesday and Friday mornings beginning at 8:30  
8 a.m.

9 IT IS ORDERED that Law and Motion Day shall continue to be the first working day of  
10 each week, with proceedings being held on that day unless otherwise set by the Judge assigned to  
11 a particular case.

12 DATED this 31<sup>st</sup> day of August, 2005.

13  
14   
15 Honorable Tom C. Cole  
16 Presiding Judge

17 Copies to:

18 Hon. Kirby Kongable  
19 Hon. Richard W. Donato  
20 Hon. Andrew W. Gould  
21 Hon. John N. Nelson  
22 Hon. Denise D. Gaumont  
23 Hon. John Paul Plante  
24 Hon. Kathryn Stocking-Tate  
25 Beverly Frame, Clerk of the Superior Court  
26 Margaret Guidero, Court Administrator  
27 Jon Smith, Yuma County Attorney  
28 Robert Clarke, Yuma Public Defender  
Jose de la Vara, Yuma Legal Defender  
Ronald F. Jones, Conflict Administrator  
Jane E. Pray, Caseflow Manager